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| 10/815,150 | 03/31/2004 | Stephen R. Lawrence | 24207-10085 | 8210 |

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GOOGLE / FENWICK
SILICON VALLEY CENTER
801 CALIFORNIA ST.
MOUNTAIN VIEW, CA 94041

| EXAMINER |
|---|
| AHLUWALIA, NAVNEET K |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2166 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

| | | Application No. | Applicant(s) |
|---|---|---|---|
| **Office Action Summary** | | 10/815,150 | LAWRENCE, STEPHEN R. |
| | | Examiner | Art Unit | |
| | | Navneet K. Ahluwalia | 2166 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on *15 February 2007*.

2a)☒ This action is **FINAL**.      2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/14/2004*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

1. This communication is in response to the Amendment filed February 15, 2007.

### *Response to Arguments*

2. Claims 1 –26 are pending in this Office Action. After a further search and a thorough examination of the present application, claims 1 – 26 remain rejected. The rejection under 35 U.S.C. §101 to claims 14 – 24 are withdrawn in view of the amendment. Amendment made to the specification has been accepted.

3. Applicant's arguments with respect to claims 1 – 26 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jena J. Jordahl ('Jordahl' herein after) (US 2004/0036716 A1) further in view of Wolton et al. ('Wolton' herein after) (US 2004/0030741 A1).

With respect to claim 1,

Jordahl discloses a method comprising:

- identifying a common element in a plurality of articles (paragraphs 0096

and 0133, Jordahl); and

- analyzing a spatial location of the common element in an article of the

plurality of articles and determining whether the common element is a

boilerplate element of the article based at least in part on the spatial

location (figure 8 and paragraphs 0047 – 0048, Jordahl).

Jordahl does not disclose the spatial location explicitly as claimed.

Wolton teaches the spatial location of the elements in paragraph 0571.

It would have been obvious to one of ordinary skill in the art of data processing at

the time of the present invention to combine the teachings of cited references because

both the inventions are in the same field of invention that is storage, searching and

retrieval of data using certain criteria. Furthermore, the formatting aspect of the

invention would allow the agent to rank information, documents, images files and other

results according to different criteria and processing these results would increase the

efficiency for the user (paragraphs 0061 – 0068, Wolton).


6.      Claims 2 – 4, 6 – 7, 10 – 13 and 26 are rejected under the same rationale given

for claim 1. The citations of the elements claimed are taught and listed below.


With respect to claim 2,

Jordahl as modified discloses the method of claim 1, further comprising

generating an implicit search query including a search term, the search term comprising

a term present in a content element of the article, the content element being distinguishable from the boilerplate element (paragraph 0133, Jordahl).

With respect to claim 3,

Jordahl as modified discloses the method of claim 1, wherein the common element comprises a copyright notice (paragraphs 0059 and 0073, Jordahl).

With respect to claim 4,

Jordahl as modified discloses the method of claim 1, wherein the common element comprises a term having a low inverse document frequency measure (paragraph 0147, Jordahl).

With respect to claim 6,

Jordahl as modified discloses the method of claim 1, wherein analyzing the spatial location of the common element comprises determining whether the common element is at the bottom of the article (figure 12, Jordahl).

With respect to claim 7,

Jordahl as modified discloses the method of claim 1, wherein the common element comprises a navigational element of the article (figures 10 and 12, Jordahl).

With respect to claim 10,

Jordahl as modified discloses the method of claim 1 further comprising: analyzing

a markup language element proximate to the common element in the article

(paragraphs 0056 and 0057, Jordahl), wherein determining whether the common

element is a boilerplate element comprises determining whether the common element is

a boilerplate element of the article based at least in part on the markup language

element (paragraphs 140 and 180, Jordahl).


With respect to claim 11,

     Jordahl as modified discloses the method of claim 1 further comprising:

-    responding to the common element being the boilerplate element

     (paragraphs 0096 and 0133, Jordahl);

-    removing the boilerplate element from the article; and indexing the article

     (paragraphs 0077, Jordahl).


With respect to claim 12,

     Jordahl as modified discloses the method of claim 1 further comprising:

determining weights for elements in the article based at least in  part on whether the

elements are boilerplate elements (paragraph 0130, Jordahl).


With respect to claim 13, ·

     Jordahl as modified discloses the method of claim 12, further comprising:

-    receiving a search query (figure 8 and paragraphs 0047 – 0048, Jordahl);

- determining articles relevant to the search query (paragraph 0059,

Jordahl); and

- ranking the articles based as least in part on the determined weights

(paragraphs 0088 and 0113, Jordahl).

With respect to claim 26,

Jordahl as modified discloses the method of claim 10, wherein the markup

language element proximate to the common element comprises a markup language

element affecting a display of the common element in the article (paragraphs 140 and

180, Jordahl).

With respect to claim 5,

Jordahl discloses a method comprising

- comparing an element in an article to a predetermined list to generate a

comparison result (paragraphs 0055 and 0059, Jordahl);

- analyzing a spatial location of the element in the article; and determining

whether the element is a boilerplate element of the article based at least

in part on the spatial location and the comparison result.

Jordahl does not disclose the spatial location explicitly as claimed.

Wolton teaches the spatial location of the elements in paragraph 0571.

It would have been obvious to one of ordinary skill in the art of data processing at

the time of the present invention to combine the teachings of cited references because

both the inventions are in the same field of invention that is storage, searching and

retrieval of data using certain criteria. Furthermore, the formatting aspect of the

invention would allow the agent to rank information, documents, images files and other

results according to different criteria and processing these results would increase the

efficiency for the user (paragraphs 0061 – 0068, Wolton).

7.      Claim 25 is rejected under the same rationale given for claim 5. The citations of

the elements claimed are taught and listed below.

With respect to claim 25,

        Jordahl as modified discloses the method of claim 5, wherein the predetermined

list comprises terms or phrases, and wherein the comparison result indicated whether

the element matches a term or a phrase in the predetermined list (paragraph 0059,

Jordahl).

With respect to claim 8,

        Jordahl discloses a method comprising: identifying a common element in a

plurality of articles; analyzing a link associated with the common element in an article of

the plurality of articles; and determining whether the common element is a boilerplate

element of the article based at least in part on the link associated with the common

element (paragraphs 0059 and 0099, Jordahl).

        Jordahl does not disclose the spatial location explicitly as claimed.

Wolton teaches the spatial location of the elements in paragraph 0571.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both the inventions are in the same field of invention that is storage, searching and retrieval of data using certain criteria. Furthermore, the formatting aspect of the invention would allow the agent to rank information, documents, images files and other results according to different criteria and processing these results would increase the efficiency for the user (paragraphs 0061 – 0068, Wolton).

8.     Claim 9 is rejected under the same rationale given for claim 8. The citations of the elements claimed are taught and listed below.

With respect to claim 9,

Jordahl as modified discloses the method of claim 8, wherein analyzing the link associated with the common element comprises analyzing an address to which the link refers (paragraphs 0052 and 0059, Jordahl).

With respect to claim 14,

Jordahl discloses a tangible computer-readable medium on which is encoded program code, the encoded program code comprising:

- program code for identifying a common element in a plurality of articles (paragraphs 0096 and 0133, Jordahl); and

-        program code for analyzing a spatial location of the common element in

an article of the plurality of articles and program code for determining

whether the common element is a boilerplate element of the article

based at least in part on the spatial location (figure 8 and paragraphs

0047 – 0048, Jordahl).

Jordahl does not disclose the spatial location explicitly as claimed.

Wolton teaches the spatial location of the elements in paragraph 0571.

It would have been obvious to one of ordinary skill in the art of data processing at

the time of the present invention to combine the teachings of cited references because

both the inventions are in the same field of invention that is storage, searching and

retrieval of data using certain criteria. Furthermore, the formatting aspect of the

invention would allow the agent to rank information, documents, images files and other

results according to different criteria and processing these results would increase the

efficiency for the user (paragraphs 0061 – 0068, Wolton).

9.      Claims 15, 17, 18 and 21 – 24 are rejected under the same rationale given for

claim 14. The citations of the elements claimed are taught and listed below.

With respect to claim 15,

Jordahl as modified discloses the tangible computer-readable medium of claim

14, wherein the encoded program code further comprises program code for generating

an implicit search query including a search term, the search term comprising a term

present in a content element of the article, the content element being distinguishable

from the boilerplate element (paragraph 0133, Jordahl).

With respect to claim 17,

Jordahl as modified discloses the tangible computer-readable medium of claim

14, wherein analyzing the spatial location of the common element comprises:

determining whether the common element is at the bottom of the article (figure 12,

Jordahl).

With respect to claim 18,

Jordahl as modified discloses the tangible computer-readable medium of claim

14, wherein the common element comprises a navigational element of the article

(figures 10 and 12, Jordahl).

With respect to claim 22,

Jordahl as modified discloses the tangible computer-readable medium of claim

14 wherein the encoded program code further comprises program code for responding

to the common element being the boilerplate element removing the boilerplate element

from the article; and program code for indexing the article (paragraphs 0077, Jordahl).

With respect to claim 23,

Jordahl as modified discloses the tangible computer-readable medium of claim

14, wherein the encoded program code further comprises program code for determining

weights for elements in the article based at least in part on whether the elements are

boilerplate elements (paragraph 0130, Jordahl).

With respect to claim 24,

Jordahl as modified discloses the tangible computer-readable medium of claim

23, further comprising:

- program code for receiving a search query (figure 8 and paragraphs

  0047 – 0048, Jordahl);

- program code for determining articles relevant to the search query

  (paragraph 0059, Jordahl); and

- program code for ranking the articles based as least in part on the

  determined weights (paragraphs 0088 and 0113, Jordahl).

With respect to claim 21,

Jordahl as modified discloses the tangible computer-readable medium of claim

14, wherein the encoded program code further comprises: program code for analyzing a

markup language element proximate to the common element in the article (paragraphs

0056 and 0057, Jordahl), wherein determining whether the common element is a

boilerplate element comprises determining whether the common element is a boilerplate

element of the article based at least in part on the markup language element

(paragraphs 140 and 180, Jordahl).

With respect to claim 16,

Jordahl discloses a tangible computer readable medium on which is encoded

program code, the encoded program code comprising: program code for comparing an

element in an article to a predetermined list to generate a comparison result

(paragraphs 0055 and 0059, Jordahl); program code for analyzing a spatial location of

the element in the article; and program code for determining whether the element is a

boilerplate element of the article based at least in part on the spatial location and the

comparison result (figure 8 and paragraphs 0047 – 0048, Jordahl).

Jordahl does not disclose the spatial location explicitly as claimed.

Wolton teaches the spatial location of the elements in paragraph 0571.

It would have been obvious to one of ordinary skill in the art of data processing at

the time of the present invention to combine the teachings of cited references because

both the inventions are in the same field of invention that is storage, searching and

retrieval of data using certain criteria. Furthermore, the formatting aspect of the

invention would allow the agent to rank information, documents, images files and other

results according to different criteria and processing these results would increase the

efficiency for the user (paragraphs 0061 – 0068, Wolton).

With respect to claim 19,

Jordahl discloses a tangible computer-readable medium on which is encoded program code, the encoded program code comprising: program code for identifying a common element in a plurality of articles (paragraphs 0096 and 0133, Jordahl); program code for analyzing a link associated with the common element in an article of the plurality of articles and program code for determining whether the common element is a boilerplate element of the article based at least in part on the link associated with the common element (figure 8 and paragraphs 0047 – 0048, Jordahl).

Jordahl does not disclose the spatial location explicitly as claimed.

Wolton teaches the spatial location of the elements in paragraph 0571.

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because both the inventions are in the same field of invention that is storage, searching and retrieval of data using certain criteria. Furthermore, the formatting aspect of the invention would allow the agent to rank information, documents, images files and other results according to different criteria and processing these results would increase the efficiency for the user (paragraphs 0061 – 0068, Wolton).


10.    Claim 20 is rejected under the same rationale given for claim 19. The citations of the elements claimed are taught and listed below.


With respect to claim 20,

Jordahl as modified discloses the tangible computer-readable medium of claim 19, wherein analyzing the link associated with the common element comprises analyzing an address to which the link refers (paragraphs 0052 and 0059, Jordahl).

## *Conclusion*

11.    Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action.  Accordingly, THIS ACTION IS MADE FINAL.  See MPEP

§ 706.07(a).  Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action.  In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

### *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Navneet

Navneet K. Ahluwalia
Examiner
Art Unit 2166

MOHAMMAD ALI
PRIMARY EXAMINER

Dated: 04/24/2007